

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Frederick L. Flowers

Plaintiff,

v.

Director Bryan Stirling

Defendant.

C/A No. 1:24-cv-1321-SAL

ORDER

Plaintiff Frederick L. Flowers (“Plaintiff”), a pro se litigant, filed this civil action pursuant to 42 U.S.C. § 1983 against South Carolina Department of Corrections (“SCDC”) Director Bryan Stirling (“Defendant”). Plaintiff alleges Defendant violated the Eighth Amendment by denying medical attention to Plaintiff, but Plaintiff fails to offer any factual basis for that claim. [ECF No. 1.] On March 19, 2024, Plaintiff was notified of the insufficiencies of his complaint and advised on how to bring the complaint into proper form. [ECF Nos. 4, 5.] Plaintiff did not respond to the court’s order and failed to amend his complaint within the established timeframe, which has now lapsed. This matter is before the court on a Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(d) (D.S.C.), recommending that the court dismiss Plaintiff’s case for failure to prosecute and on the merits. [ECF No. 8.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 7. Plaintiff has not filed objections, and the time for doing so has expired.

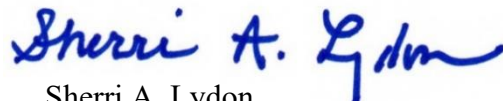
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this

court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 8, and incorporates it by reference herein. As a result, this matter is **DISMISSED without prejudice for failure to prosecute and on the merits.**

IT IS SO ORDERED.

June 18, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge